

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SCOTT R. KIMBALL,

06-CV-6318-HU

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

BROWN, Judge.

Magistrate Judge Dennis J. Hubel issued Findings and Recommendation (#20) on February 13, 2008, in which he recommends this Court reverse the Social Security Commissioner's final decision finding Kimball not disabled for the period March 1999

to September 2004 and remand for the calculation and payment of benefits. The Magistrate Judge also recommends this Court remand to the Commissioner that portion of his final decision related to the period September 2004 forward for further administrative proceedings to determine whether Kimball engaged in substantial gainful activity during that time.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#20) and, accordingly, **REVERSES** the Social Security Commissioner's final decision finding Kimball not disabled for the period March 1999 to September 2004 and **REMANDS** for the calculation and payment of benefits for that period. The Court also **ADOPTS** the Magistrate Judge's Findings and Recommendation as to the period of September 2004 forward and

**REMANDS** this matter to the Commissioner for further administrative proceedings to determine whether Kimball engaged in substantial gainful activity during that time.

IT IS SO ORDERED.

DATED this 2<sup>nd</sup> day of June, 2008.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge